

Memorandum

To: Chairman and Commissioners

Date: June 27, 2001

From: Robert I. Remen

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BOOK ITEM 4.8
INFORMATION

Ref: **Proposal for Transportation Enhancement Activities (TEA) Program Reform**

Issue: What specific reforms should the Commission consider and adopt to help improve project selection and delivery in the federal enhancements program?

Recommendation: Commission staff recommends that the Commission:

- hear from interested parties at the July meeting and through August 10,
- consider comments at the August meeting, and give direction, and
- consider a new TEA Program design for adoption at the October or November meeting,

starting from the package of reforms described in this memo and detailed on the attached sheets, to replace the current TEA Program design from Resolution #G-98-20 (as amended), to use for TEA programming under the next federal reauthorization act (for FFY 2004 and beyond).

Background: Congress, starting with the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, has required that at least 10% of federal Surface Transportation Program funds be spent on specified categories of enhancements. ISTEA specified 10 categories of projects, since expanded to 12, which qualify as enhancements. These projects broadly fall into four groups: 1) pedestrian and bicycle programs, 2) scenic beautification, 3) historic preservation, archeology, and museums, and 4) environmental enhancements, specifically wildlife corridors and non-point source water pollution control. In the absence of state legislative direction, the Commission programmed TEA projects into the State Transportation Improvement Program (STIP). Over the six years of ISTEA from FFY 1992 through FFY 1997, the amount required to be spent for enhancements in California came to \$210 million, about \$35 million per year. By September 2000, barely enough projects had been delivered to use all the funds before they expired.

Congress in 1998 extended the enhancements program under TEA-21, through 2003, making few changes. In response, the Commission redesigned the way the State handled the enhancements program, modeled on SB 45 but with enhancements removed from the STIP altogether, divided so that 75% of federal enhancement funds go to regional shares, administered as direct local assistance to regional agencies, and 25% goes to a State share, which was then divided three ways: to Caltrans for its own projects, to a competitive program for projects of broad statewide interest, and to Conservation Lands program for large scenic acquisitions of statewide importance. In coming up with the new TEA program design, the Commission had an eye for some of the program's earlier challenges and problems. Under TEA-21, California is slated to receive \$363 million in federal enhancement funds from FFY 1998 through FFY 2003, about \$60 million per year. Midway

through FFY 2001, the fourth of the six years of TEA-21, better than 90% of funds have been programmed but only about 12% have been allocated to delivered projects; thus the TEA program is running almost three years behind, one of the worst records of all the federal programs, and a pace that puts funds at risk to expire in September 2006 (similar to what almost happened in September 2000).

Commission staff in March 2001 presented a background report (Agenda Item 4.4) discussing challenges, accomplishments, current progress, and problems, opportunities, and constraints facing the TEA program. Throughout the history of the TEA program, project delivery has been a major challenge, in California and most other states. The reasons cover a broad spectrum, but particularly include uncertain state commitment to the program for the long term; non-transportation agencies unfamiliar with federal transportation programs and requirements; fragmented and confusing program design; poor and spotty communication; too many projects with fuzzy scopes, underestimated costs, and overly optimistic schedules; federal transportation procedures ill-suited for enhancements projects; and insufficient help from Caltrans.

Commission staff in May 2001 then presented ideas gleaned from discussion with Caltrans, regional agencies, Federal Highway Administration (FHWA), other states, and environmental interests that sponsor TEA projects. Quite a few other states have found more success than California in improving project delivery, each doing one or two key things differently. Staff at the May Commission meeting tried to lay out a menu of those key ideas. Staff has now assembled a package of proposals for TEA reform, drawing together the best and most compatible ideas, laid out in more detail in the attachment to this memo.

Boundaries for Reform: Several states have garnered reputations for “TEA programs that work;” California’s reputation can be characterized as close but not quite there. The Commission faces the challenge of retaining the good features of the existing TEA program while improving the problem areas.

States have created a wide variety of TEA programs, customized to each state’s peculiar circumstances. In some states the program is run entirely by the State DoT (in some cases from district offices, in other cases centralized out of headquarters), others share it with regional agencies; some states match federal TEA funds to lift that burden from local project sponsors, others want local project sponsors to buy in with a match stake in their projects; some states take applications on a continuous open basis, others program annually or on some other fixed schedule, and others programmed all six years of funds at once; some states use the program for pre-selected policy objectives or to implement projects identified in plans, others accept ad hoc project nominations; in some states the State DoT makes programming decisions, in others those decisions are made by or shared with a TEA advisory committee or regional agencies. Some states like the program so much they expend as much as twice the required federal minimum for TEA projects. Many states have reached agreement with FHWA on streamlined procedures to help their TEA programs work more smoothly. In all states with the best reputations for “TEA programs that work” the State DoT actively wants the program to succeed and typically offers lots of help to local agencies doing projects. Staff looked for ideas with a track record in other states.

About a dozen major national environmental groups, loosely allied via the Surface Transportation Policy Project, were substantially responsible for convincing Congress to include the TEA program in both ISTEA and TEA-21, and serve as self-appointed watchdogs for the program in all states. Although these groups have varying specific purposes, and some of them do compete for TEA funds for their own projects, they

essentially work in concert to ensure three broad objectives: the TEA program is used for enhancements and not transportation or mitigation in disguise, the program offers open and fair access to all environmental and community interests, and the process to deliver projects is streamlined to eliminate bureaucratic steps irrelevant or non-essential for TEA projects in particular. These objectives must be respected in any reform proposal.

The regional agencies have become strongly attached to their regional TEA shares, now administered as local assistance funds, with application, guidelines, procedures, and program timing set region by region. The Commission would be hard-pressed at this point to change the concept of regional TEA shares. In fact, regional agencies resist reform proposals that would constrain or dictate how their shares are used. Nevertheless, 49 separate regional shares do fragment the program.

Three interests converge on the state share: Caltrans and State resources agencies which each have state objectives they want to pursue, not necessarily coincident, and the major national environmental groups which insist upon access to an open statewide program. Further, the Commission will want to provide opportunities for Caltrans and State resources agencies to collaborate to use TEA funds to target investments designed to assist streamlining of the general environmental process.

FHwA will require Caltrans to remain in the front lines, to administer the program as its transportation partner agency, and final decision-making to rest with transportation agencies, not resources agencies, since the funds come from a federal transportation program. Enhancement funds are federal funds, so the State must work with FHwA to see how far it can streamline procedures and still ensure that basic federal oversight responsibilities can be satisfied; the line has been pushed quite far out in some other states.

Success of the program ultimately rests with the agencies that build or do TEA projects, many of them non-transportation agencies. From their end, the program looks chaotic and daunting, with 49 regional shares and 3 state shares, all on different schedules with somewhat different requirements and applications, and a long list of onerous federal requirements that seem to add little value. Non-transportation agencies will always have to put forth extra effort to keep up to speed on requirements of transportation programs – although streamlined requirements, better communication, and help from Caltrans can make a difference here. Even with help, some agencies not sufficiently ready to deal with the requirements of the TEA program and the rigors of federal funding may have to recognize that a different program other than federal enhancements would be a more appropriate source of funding for them.

These influences and interests tend to pull in different directions, making consensus elusive, perhaps impossible. The national environmental groups, FHwA, Caltrans, regional agencies, state resources agencies, and local agencies each want to achieve certain things and protect certain prerogatives, and those are not all the same. The measure of a successful package of reform proposals may come as support for all of its parts from some of the interests, perhaps support for some of the parts from all of the interests, but not agreement on all of the parts from all of the interests. Staff articulates below objectives for TEA program reform, examines options that were considered, and explains why it has recommended the package presented here.

Objectives for Reform: Two key ideas may help provide perspective to start:

- “There is a direct correlation between state DOT enthusiasm for the TEA program and a quality program.”
Dan Costello, National Trust for Historic Preservation
- “Ad hoc programming has a bad track record.”
Marsha Mason, Caltrans

To start, Caltrans has been expounding newfound enthusiasm for the TEA program. The current TEA program, however, was not designed to ensure programming of ready projects or to help local agencies deliver projects easily. The Commission laid out eight objectives in its existing TEA program design (Resolution #G-98-20). Six of these objectives remain valid (with some minor change in emphasis):

1. Allow agencies with greater expertise and interest in TEA projects – regions, Caltrans, state resources agencies – to play the greater role in TEA project decisions.
2. Provide for regional discretion and allow opportunities for regions to streamline programming and delivery.
3. Preserve a state-level enhancement program to help achieve statewide objectives and fund projects with broader than regional interest.
4. Use TEA funds linked to state highway and other transportation projects to help achieve general environmental streamlining objectives or take advantage of available community or environmental enhancement opportunities.
5. Expedite delivery of TEA projects.
6. Ensure that regions not wanting or able to use TEA funds can exchange them, and take steps to prevent lapse of any federal TEA funds.

Three of these objectives, relating to delivery, the state program, and use of funding, now need to be broadened and woven into more-detailed objectives, articulated below. The remaining two objectives not repeated here -- to move TEA projects out of the STIP and set up a distinct conservation lands program -- become obsolete.

Staff suggests the following new objectives, as a framework to guide the design of TEA reform:

1. Recognize the TEA program as permanent, with predictable rounds of programming continuing into future years.
2. Improve communication and make the program understandable and easy to use, from the viewpoint of the kinds of agencies that do or build TEA projects.
3. Weed out “blue sky” projects with imprecise scopes, poorly-defined cost estimates, and unrealistic schedules, and ensure the program invests in high priority, well-conceived projects.
4. Seek aggressively to simplify federal procedures, far more than for other programs, as far as FHWA will allow.
5. Get Caltrans districts and regional agencies working together to stay on top of project status and progress, and provide help when needed to local agencies doing projects, and simplify state administration of the program.
6. Consolidate and focus the state share toward defined statewide objectives while preserving the opportunity for open access for projects of broader than regional interest.

7. Provide alternative ways to use federal TEA funds, to benefit smaller regions and sponsors of smaller projects.

Discussion of Options: Staff started with four very basic presumptions: that the Commission would want to retain the regional shares, provide for a single state share focused and adequate to achieve certain wider state objectives, assume a limited Commission role, and place heightened emphasis on program and project delivery via some combination of federal streamlining, a user-friendly program design, and extra help for local agencies delivering projects. These presumptions guided preparation of the proposed reform package, which was put together by pooling ideas from other states, Caltrans, regions, FHWA, and the environmental interests to deal with each of the specific challenges and problems defined for the Commission in March and May that the program faces. Staff formulated the seven new objectives from this starting point.

Tardy programming definitely starts projects at a disadvantage for timely delivery. Yet, after enactment of ISTEA the first round of programming lagged by 22 months, perhaps understandable given startup for a wholly new program, but not helpful for program delivery. Even with this experience, after enactment of TEA-21 the first regional programming lagged by a year and the first open round of state competitive programming lagged by 20 months, driven largely by indecisiveness centered on the expectation or desire that Congress would eliminate the TEA program requirement. Agencies eyeing funding from the program saw fits and starts, hiatus and uncertainty, and the quality and competitiveness of projects increased noticeably from the first programming round to subsequent rounds that had better lead time and certainty, under both ISTEA and TEA-21. Staff sees no signals that Congress may drop the TEA program requirement from the next act, hence the first objective, to make the program permanent and predictable, to get a head start this time and try to start projects a year ahead rather than a year or more in arrears.

Everyone supports the second objective, to make the program understandable and user-friendly, and agrees on its importance. Yet consensus is elusive on how best to do it, and who needs to give. Regional agencies are reluctant to give up program freedom to coordinate and standardize the program. Caltrans has been reluctant to commit resources to offer help to all potential project sponsors before projects are programmed. Changes to guidelines, procedures, and applications require artfulness and time, and become counterproductive if done too often. These seem to be the key pieces: an understandable program, clear guidelines and application, and early help. Staff considered a range of options for programming, from the current slate of 50 separate programming rounds but with better notification to a fixed annual statewide round run under one standardized set of procedures, and recommends that regional and state rounds be synchronized, with a single point of contact for each, via a continuously open application process and programming at a fixed date, but regional agencies and the state continue to be allowed to customize their own program design, objectives, and guidelines. Staff also considered a range of options for assistance, from the current ad hoc help-by-request through optional or mandatory workshops to Caltrans providing individual hand-holding as needed, and recommends that Caltrans or regional agencies offer optional workshops periodically (at least annually) in all districts or urban regions to help interested agencies that want to understand better how the program works.

Other states emphasized the importance of the third objective, to weed out weak projects, and each has its own way of doing it. The range of ways is broad: limiting eligible agencies only to counties and cities (which presumably have experience building federal transportation projects), programming projects only by

component (similar to what is done in the STIP), using TEA funds only for construction (to avoid federal red tape that seems to be particularly a quagmire for preliminary engineering), requiring all projects to be derived from an enhancements plan (which presumably serves as a screen for project priority and readiness), a use-it-or-lose-it provision that drops projects on which progress is too slow (and also may waste sunk costs), all the way to the State Dot taking over and delivering projects on behalf of local agencies that run into trouble. Most of the State DoTs contacted now try to screen projects for eligibility and readiness, including a field review, as soon as practical after every serious project proposal comes forward, which could be a major burden in a state as big as California. The whole subject tends to be controversial, at heart because project sponsors deny the existence of “weak projects.” Nevertheless, staff considers this to be an important part of TEA program reform. Staff considered the whole range of ideas here, looking for effectiveness rather than consensus, and recommends a three-pronged approach: making TEA funds available only for construction or right of way with the preliminary engineering to serve as the required federal match (a place to which many experienced TEA project sponsors are drifting anyway); requiring all TEA projects to be derived from some local, regional, state, or agencywide plan (to give a context of priority and some promise of prior screening); and requiring Caltrans or regional agencies to try to review and screen projects early (a task made easier by the recommendation for continuously open programming, thus spreading the workload).

Everyone -- including FHWA -- supports in concept the fourth objective, to streamline procedures for TEA projects, particularly federal procedures. The hard part comes in reaching agreement on how much can be done, who has authority to do it, and how that gets decided. Staff sees drastic streamlining of federal process as a key component of TEA reform, and ultimate success in improving program delivery substantially depends on it. There is no other option. Staff recommends that Caltrans work assiduously with FHWA to find the lowest common denominators applied in other states to simplify federal procedures -- for environmental approval, for right of way purchase, for Section 106 historic property review, for Federal TIP and air quality approval, for project standards, for delegation of oversight to the state, and for blanket simplification of the way a myriad of other federal requirements are applied -- and seek agreement to implement those here.

The fifth objective, to get Caltrans districts and regional agencies working together in the front lines, tries to ensure the state’s role in the TEA program works smoothly. The three basic issues at the state level concern whether to centralize program decision-making in Caltrans headquarters, disperse it among district offices, or share it with regional agencies; what role the Commission needs to play; and whether to re-establish a TEA advisory committee, and if so what its purpose should be. The centralization issue trades off consistency and expertise against simpler process and better customer response close to home. The Commission brings little expertise or added value to TEA decisions (except for oversight of funds), but offers a valuable and generally-respected neutral forum for discussion of issues and policy. A well-structured TEA advisory committee can bring to bear the voice and viewpoint of user agencies concerning program policy and performance. Staff recommends that Caltrans administer TEA projects generally from the district level (ensuring that staff is well-trained in the peculiarities of the program), and share that administration as much as possible with regional agencies that want the responsibility (and agree to keep trained staff), to focus on service and project delivery. Staff further recommends a limited Commission role: to set overall program policy, approve fund estimates, allocate funds, track program progress, and serve as a forum for discussion of issues. Finally, staff recommends that the state reestablish a TEA advisory committee, to advise the Commission, Caltrans, and regions about program policy and performance from the users point of view.

The sixth objective, to ensure the state share remains open but can be used to pursue important state policy objectives, hinges on harnessing divergent interests. Caltrans, the state resources agencies, and the national environmental interests each want to control the outcome from the state share, with Caltrans and the Resources Agency each seeking to advance its own favored projects (along with some joint projects for environmental streamlining), and the national environmental interests trying to ensure the process remains open and competitive for the best-quality projects from all sources. The current state share, split into three parts, provides a separate arena for each. No one that staff contacted thought this trifurcated arrangement made sense for program delivery. FHWA will insist that Caltrans, its direct state partner agency, must maintain a central role in the state TEA program. Staff considered a number of ways to design a unified state program, with most of them tilting advantage to one interest or another. Staff sought the most middle ground, and recommends setting up an open statewide process, trying to ensure a balance with no one interest able to control the outcome by itself, but with an option for Caltrans to define themes or priorities to guide programming each year.

The federal TEA process, even with simplification, basically becomes more challenging and onerous for smaller rural regions and smaller projects. In fact, the nature of federal requirements favors programming fewer, high priority, high cost projects. Yet small projects can sometimes be very attractive and cost effective, and TEA projects are popular in some small rural regions and it's only fair that they have a chance to participate. The seventh objective, to provide alternative ways to use the federal TEA funds, recognizes the need to help smaller regions participate and enable small projects to be built. Simple, basic legislation, to establish an enhancements program at the state level and set up a separate enhancements account, could provide the best route to funding flexibility, but legislation carries risk and does not always end up as intended. The Commission indicated in March it did not want to pursue legislation to define a state enhancements program. As an alternative approach, staff recommends using as much flexibility as state law and federal innovative financing rules allow to move funding around to help smaller regions and smaller projects. Additionally, the Commission has imposed use-it-or-lose-it provisions on regional TEA funds, to try to boost delivery, with the first deadline coming December 5, 2001. Staff has discovered that this approach probably won't be able to speed up delivery of TEA projects, in fact will cause larger regions to churn their TEA programs to plug in projects based on deliverability rather than real priority, and use-it-or-lose-it deadlines pose a particular disadvantage for rural regions, who may intentionally have to save up TEA funds for several years to fund one project and may have no substitute projects available if one falls behind schedule and does not use funds quickly enough. Accordingly, staff recommends that the Commission at least through 2003 back away from, or consider and allow extensions on a case-by-case basis for, the use-it-or-lose-it deadline for TEA funds.

TEA Reforms as a Package: Staff intends with this reform package to move the TEA program from its present reputation as a difficult place to get funds and build projects, to a new reputation as a program that "will make projects succeed." Staff tried to assemble this package as a coherent unit, bringing together in one package best practices from a number of states, to create a whole greater than the sum of the parts, designed so that all interests would find attractive features to offset others they may see as less desirable. The Commission should expect the various interests each to say they generally like the package but then to point out a certain couple of things they don't like – and each one to single out different parts of the package to dislike. Staff has tried to provide the Commission with insight into why it assembled the package the way it did, and hopes that the various program interests can look at the package that way too.

Of course, the Commission could opt to modify or drop certain features, or to add others, with different effects depending on which specific features are at issue. Staff sees six parts of the package as fundamental to the objectives of this reform effort, and therefore more critical than others:

- A permanent and reliable program extending into the future
- Annual programming rounds synchronized statewide
- Retention of the regional shares and consolidation of the state share
- An open competitive state share, focused each year toward selected state policy themes
- TEA funds usable for construction or right of way only
- Drastic streamlining of federal procedures

Attachment

Outline of DRAFT Proposals for TEA Program Reform

1. Recognize the TEA program as permanent, with predictable rounds of programming continuing into future years
 - A. Caltrans to prepare and the Commission to adopt five-year estimates of TEA funding as part of each STIP fund estimate, using analogous assumptions to those for other federal highway funds
 - B. TEA funding to be divided into regional and state shares, based on the proportion of regional/local and state funding in the STIP plus SHOPP plus federal local assistance programs, with regional shares to be divided up using the STIP formula
 - C. Caltrans to issue regional and state share funding tables each year by November 15
 - D. Regions and the state to program annually, with the option for regions to pass in some years
 - E. Regions and the state to program projects for the current year and up to one year ahead
2. Improve communication and make the program understandable and easy to use, from the viewpoint of the kinds of agencies that do or build TEA projects
 - A. Regions and Caltrans to accept and review applications on a continuous and open basis, with a cutoff date for each annual funding round
 - B. Regions and the state to program on synchronized timing every year, with cutoff of applications about December 15 and programming of projects by March 1
 - C. Regional agencies and Caltrans district offices to provide single points of contact, for applications, technical help, and project administration, respectively for the regional and state shares
 - D. Caltrans to produce a simplified TEA program manual, giving guidance on eligibility and procedures, written from the point of view of a local agency doing a project
 - E. Caltrans to improve the state's program application, including development of a core section to define project scope, cost, and schedule that would be used by all regions and the state
 - F. Caltrans or regional agencies to offer preprogramming workshops for potential project sponsors, to ensure better understanding of eligibility, federal requirements, and sequence of project activities
 - G. Regions and Caltrans to provide feedback and advice for project applicants whose projects do not get programmed in each round
 - H. Caltrans to include federal TEA funds in the State Budget under whatever program authorization(s) and expenditure categories provide the most flexibility for the program to function independently
3. Weed out "blue sky" projects with imprecise scopes, poorly-defined cost estimates, and unrealistic schedules, and ensure the program invests in high priority, well-conceived projects
 - A. TEA program to make federal TEA funds available for project construction and right-of-way only (except for non-construction parts of the TEA program such as bicycle safety and

- archaeology research), at 100% federal TEA funding, with all project development, including NEPA environmental studies and project design and engineering, to be done and funded up front by project sponsors and used as match for the federal funds
- B. Regions and the state to require all TEA projects to be derived from some local, regional, state, or agencywide plan as appropriate, with non-profit organizations to be allowed access to a regional or state plan with a public agency partner, to increase the likelihood that projects have sound pedigree and come from a priority context
 - C. Regions and the state to be allowed to identify TEA projects in a financially-constrained Regional Transportation Plan TEA element or Statewide TEA Plan, or to attach TEA work to other projects in the STIP, SHOPP, or federal local assistance programs, and be able to program and fund such work directly upon receipt of application
 - D. Caltrans, and any regional agencies that want to be trained and certified, to screen proposed TEA projects for federal program eligibility and readiness for construction and carry out field reviews as early as possible, before programming competition, and provide feedback to applicants
4. Seek aggressively to simplify federal procedures, far more than in other programs, as far as FHwA will allow
- A. Caltrans and FHwA to examine practices around the country and seek to streamline federal procedures in California to the least common denominator, going farther than in other federal programs, for environmental studies and approval, right-of-way, state oversight, and other federal programmatic requirements
 - B. Regions and Caltrans to program TEA funds in the Federal TIP as a lump sum
5. Get Caltrans districts and regional agencies working together to stay on top of project status and progress, provide help when needed to local agencies doing projects, and simplify state administration of the program
- A. Caltrans to ensure all districts have trained TEA staff to serve as first point of contact for project sponsors, and provide training to allow regional agencies to assume this role where they want to do so
 - B. Caltrans (or regions that want to) to hold workshops soon after each annual programming round to explain the requirements and sequence of steps local agencies will need to complete to receive federal funding, with all agencies with programmed TEA projects for the first time required to attend
 - C. Regions to notify Caltrans of all programming actions and TEA fund obligations for regional share projects
 - D. The Commission to limit its role in the TEA program to approval of program design, approval of fund estimates, allocation of funds, receipt of periodic progress reports, and serving as a forum for discussion of program issues, and to delegate allocation for projects in the state share to Caltrans except where project scope or cost differs from what is shown in the program

- E. The state to set up a statewide TEA advisory committee, reporting to the Commission, Caltrans, and regions, to provide advice on program policy and performance, and to select the evaluation committee for projects in the state share
 - F. Caltrans districts to keep track of all programmed projects in their areas, and keep an accountability report to measure success, and report to headquarters to help track program content and delivery on a statewide basis
- 6. Consolidate and focus the state share toward defined statewide objectives while preserving the opportunity for open access for projects of broader than regional interest
 - A. The statewide TEA advisory committee to select annually an evaluation committee to examine applications and recommend programming for the state share, consisting of two or more representatives from Caltrans, state resources agencies, and non-profit environmental interests respectively, such that no group has 50% or more of representation and the representatives include at least one person with expertise in each of the four general areas of TEA eligibility
 - B. Caltrans to notify the Commission of all programming actions and TEA fund obligations for state share projects
 - C. Caltrans to define a focus for the state share, one year ahead for the next program round, for example on projects that play a part in environmental streamlining, help make transportation improvements more compatible with surrounding communities, or enhance pre-project mitigation packages
- 7. Provide alternative ways to use federal TEA funds, to benefit smaller regions and sponsors of smaller projects
 - A. The state to continue the exchange of TEA funds from rural regions that don't use them, for state transportation funds usable for other, non-TEA transportation purposes
 - B. The Commission and Caltrans to explore, and if feasible to set up, a system to broker the trading of TEA funds among regions and among projects, to allow regions to acquire extra TEA funds where wanted and to concentrate federal funds on as few projects as possible and use state funded projects as match
 - C. The Commission to back away from, or to consider and allow extensions for, the December 2001 use-it-or-lose-it deadline for regional TEA funds, through 2003, to allow for project delivery currently making progress